

The Yuma County Planning and Zoning Commission met in a regular session on December 20, 2022. The meeting was held in Aldrich Auditorium at 2351 West 26<sup>th</sup> Street, Yuma, Arizona.

**CALL TO ORDER:** At 5:00 p.m. Chairman Bryant convened the Planning and Zoning Commission meeting. Commissioners present were: Ron Rice, Time Bowers, Jim Allen, Scott Mulhern, Danny Bryant, Matias Rosales, Gary Black, Bobbie McDermott, and Ron Van Why. Commissioner A-J Mosquesda was absent. Others present were: Planning Director Maggie Castro, AICP; Senior Planner Javier Barraza; Senior Planner Juan Leal Rubio; Land Development Engineer Arturo Alvarez and PZ Commission Administrative Specialist Amber Kelly.

**PLEDGE OF ALLEGIANCE:** Commissioner Bryant led the Pledge of Allegiance.

**ITEM No. 3: Approval of Planning and Zoning Commission regular meeting minutes of October 25, 2022.**

MOTION (MCDERMOTT/VAN WHY): Approve as presented.

VOICE VOTE: Rice- AYE; Allen- AYE; Bowers- AYE; Mulhern- AYE; Bryant- AYE; Rosales- AYE; Black- AYE; McDermott- AYE; Van Why- AYE. The motion carried 9-0.

**ITEM No. 4: Special Use Permit Case No. 22-07: Jack Tice requests a Special Use Permit per Section 607.03(E) of the Yuma County Zoning Ordinance to allow an accessory dwelling unit on a parcel 14,810 square feet in size zoned Manufactured Home Subdivision - 10,000 square feet minimum (MHS-10), Assessor's Parcel Number 728-11-126, located at 12556 East 44th Street, Yuma, Arizona.**

Senior Planner Javier Barraza presented the staff report for Special Use Permit Case No. 22-07 recommending approval subject to the following Performance Condition:

**Performance Condition.**

1. Within 60 days of the Board of Supervisors' approval, all owners, or their agents, must provide the following:
  - a. Provide an A.R.S. § 12-1134 waiver.
  - b. A recorded Avigation Disclosure Statement.

Commissioner McDermott requested to view the aerial image of the property with the surrounding neighborhood.

Commissioner Van Why inquired if the accessory dwelling unit would be connected to existing water and power.

Senior Planner Javier Barraza explained accessory dwelling units utilities have to come from the existing dwelling unit.

Chairman Bryant opened the public hearing.

Jack Tice, 12556 East 44<sup>th</sup> Street, Yuma, Arizona, applicant, thanked staff for their recommendation. He explained his wife has seizures and has fallen recently breaking both ankles. He explained he is not always home and needs a caregiver for her.

Commissioner Van Why inquired if the accessory dwelling unit was for a caretaker.

Mr. Tice stated yes.

There being no one else to come forward, Chairman Bryant closed the public hearing.

Commissioner Van Why inquired about adding a condition that the applicant cannot rent the accessory dwelling unit.

Senior Planner Javier Barraza explained that condition is listed in Section 310.00 of the Zoning Ordinance. He stated the applicant is aware and understands that condition.

MOTION (VAN WHY/BOWERS): Approve Special Use Permit Case No. 22-07 as recommended by staff.

VOICE VOTE: Rice- AYE; Allen- AYE; Bowers- AYE; Mulhern- AYE; Bryant- AYE; Rosales- AYE; Black- AYE; McDermott- AYE; Van Why- AYE. The motion carried 9-0.

**ITEM No. 5: Minor Amendment Case No. 22-04: Craig Colvin, agent for Hardknocks Limited Liability Partnership, requests to change the land use designation of four parcels totaling approximately 80.0 gross acres in size from Suburban Density Residential (R-SD) to Urban Density Residential (R-UD), Assessor's Parcel Numbers 198-18-016, -018, -020, & -021, located at the northwest corner of the alignments of Fortuna Road and County 13th Street, Yuma, Arizona.**

Senior Planner Juan Leal Rubio presented the staff report for Minor Amendment Case No. 22-04 recommending approval based on:

1. The amendment is consistent with the existing character of the Foothills Planning Area.
2. The amendment will be an overall improvement to the plan since this will ensure development occurs in a coordinated, contiguous and comprehensive manner.
3. The amendment is in the character with existing land uses and supports policies of the plan to provide consistent land uses.

**ITEM No. 6: Rezoning Case No. 22-20: Craig Colvin, agent for Hardknocks Limited Liability Partnership, requests the rezoning of a portion of two parcels totaling 8.18 acres in size from General Commercial (C-2) to Recreational Vehicle Subdivision (RVS), part of Assessor's Parcel Numbers 198-18-020 & -021, located at the northwest corner of the alignments of Fortuna Road and County 13th Street, Yuma, Arizona.**

Senior Planner Juan Leal Rubio presented the staff report for Rezoning Case No. 22-20 recommending approval subject to the following Performance Condition and Schedule for Development:



**Performance Condition.**

1. Within 60 days of approval by the Board of Supervisors approval, the owner/agent or agent shall:
  - a. Provide an A.R.S. §12-1134 waiver.
  - b. Record a range and restricted airspace disclosure statement.
  - c. Record an avigation disclosure statement.
  - d. Record a Schedule for Development disclosure statement.

**Schedule for Development.**

1. The owner/applicant shall record a final plat subdividing the subject property into parcels of at least 6,000 square feet in size within five (5) years of Board of Supervisors approval of this rezoning case.

Commissioner McDermott inquired about the location of the property.

Senior Planner Juan Leal Rubio explained the location of the property.

Commissioner McDermott stated she was inquiring about the location of the property because Wellton Mohawk Irrigation District made a comment. She inquired if the property was in the Wellton Mohawk Irrigation District.

Senior Planner Juan Leal Rubio explained the property was not in the Wellton Mohawk Irrigation District and the comment made by them was informational.

Chairman Bryant opened the public hearing.

Craig Colvin, 6105 East Alyssa Lane, Yuma, Arizona, agent, stated he was present to answer any questions.

Commissioner Bryant inquired if the agent was in agreement with all the conditions.

Mr. Colvin asked staff to repeat the condition that was added.

Senior Planner Juan Leal Rubio explained the condition to record a Schedule for Development Disclosure Statement is always a condition when there is a Schedule for Development in a staff report. He stated it was an oversight by staff.

Mr. Colvin stated he was in agreement.

There being no one else to come forward, Chairman Bryant closed the public hearing.

MOTION (BLACK/VAN WHY): Approve Minor Amendment Case No. 22-04 as presented by staff.

VOICE VOTE: Rice- AYE; Allen- AYE; Bowers- AYE; Mulhern- AYE; Bryant- AYE; Rosales- AYE; Black- AYE; McDermott- AYE; Van Why- AYE. The motion carried 9-0.

MOTION (BLACK/VAN WHY): Approve Rezoning Case No. 22-20 as presented by staff.

VOICE VOTE: Rice- AYE; Allen- AYE; Bowers- AYE; Mulhern- AYE; Bryant- AYE; Rosales- AYE; Black- AYE; McDermott- AYE; Van Why- AYE. The motion carried 9-0.

**ITEM No. 7: Special Use Permit Case No. 22-09: Dahl, Robins & Associates, Inc., agent for Brightnight, LLC, requests a Special Use Permit per Section 601.03(T) of the Yuma County Zoning Ordinance to allow a solar power generating facility and associated equipment on six parcels totaling approximately 2,608 gross acres in size zoned Rural Area-10 acre minimum (RA-10), Assessor's Parcel Numbers 212-22-003, 212-23-001 & -002, 212-24-001, and portions of 212-00-001, and 212-22-004, located in the vicinity of the southwest corner of County 19th Street and the alignment of Avenue 2E, Yuma, Arizona; located in the 65 dB, 70 dB, and 75+ dB noise zones.**

Commissioner Scott Mulhern recused himself from Special Use Permit Case No. 22-09. He is employed by the agent.

Senior Planner Juan Leal Rubio presented the staff report for Special Use Permit Case No. 22-09 recommending approval subject to the following Performance Condition and Operational Conditions:

**Performance Condition.**

1. All owners, or their agents, must provide an A.R.S. §12-1134 waiver within 60 days of the Board of Supervisors approval.

**Operational Conditions.**

1. The owner/operator shall maintain and make copies available to Yuma County, current copies of all permits and notices from submissions to any federal, state, or local regulatory authority.
2. The owner/operator shall coordinate with local emergency responders to develop a site-specific emergency response plan, and employ a chief safety professional. The chief safety professional shall provide copies of the emergency response plan to the Department of Development Services and provide a 24-hour emergency contact phone number.
3. The approval of the Special Use Permit is based on the site plan submitted by applicant. Any change from the site plan will require approval by the Planning Director pursuant to the Yuma County Zoning Ordinance.
4. The applicant must install and maintain a security fence six feet in height along the perimeter of the area of the installation of solar panel modules.
5. The applicant must install and maintain a sign warning of the high voltage associated with the solar farm at the entrance to the facility. The sign must also provide the emergency contact information.



6. Post project construction, dust palliative shall be applied to the soil for dust control mitigation.
7. Prior to construction, applicant must provide to the Planning Director evidence of a valid decommissioning bond; if not verifiable to the County's satisfaction, then the applicant/SUP holder shall maintain a bond in the amount of the full decommissioning cost at the end of the anticipated life of the project, net of salvage value, as estimated by a Professional Engineer registered in the State of Arizona. Said bond shall be reviewed and approved as to form, substance and amount by the Yuma County Engineer. The engineer's estimate of decommissioning cost shall be renewed no less than every five years by a Professional Engineer registered in the State of Arizona, and a copy of each renewed estimate shall be provided to the County Engineer for review and approval. The decommissioning bond shall be adjusted in accordance with the renewed cost estimate within 30 days after approval by the County Engineer.
8. Prior to construction, a Traffic Impact Study shall be completed per Yuma County Public Works Standard, Section 7.3. Yuma County will manage and solicit bids. The Developer shall construct all required improvements recommended by the Traffic Impact Study.
9. Prior to construction, the applicant/owner shall provide a military compatibility assessment from MCAS-Yuma.

Commissioner Rice inquired about the Operational Condition number seven (7).

Senior Planner Juan Leal Rubio explained the intent of the decommissioning bond was to ensure the land would be brought to raw land after the end of the life of the project.

Commissioner Black inquired if the land was State land or privately owned.

Senior Planner Juan Leal Rubio stated the land is a mixture of State land and privately owned land.

Commissioner McDermott inquired if the applicant would continue to maintain the dust control mitigation of the land.

Senior Planner Juan Leal Rubio explained the condition is to maintain dust control during construction. He stated all weather access roads would be required to be constructed and maintained during the life of the project.

Chairman Bryant opened the public hearing.

Brandon Pollpeter, CO54 Mordel Avenue, Saint Louis, representative for Brightnight LLC, presented a slideshow explaining the project and the community benefits.

Commissioner Bryant inquired if the solar project was solely providing power to the hydrogen plant.

Mr. Pollpeter stated that was correct and explained how the solar project would service the hydrogen plant and how they would be working with APS.

Commissioner McDermott inquired about the amount of water that would be utilized for the project.

Mr. Pollpeter explained there would be very limited water usage. He stated approximately the same amount of water that 10-12 residential homes use annually.

Commissioner McDermott inquired about the drainage of the water.

Mr. Pollpeter explained they had grading and draining plans with the County.

Commissioner McDermott inquired if there would be vegetation on the land. She stated there should be a fence 10' to keep the deer out.

Mr. Pollpeter stated after construction was done they would be landscaping the area.

There being no one else to come forward, Chairman Bryant closed the public hearing.

MOTION (BLACK/VAN WHY): Approve Special Use Permit Case No. 22-09 as presented by staff.

VOICE VOTE: Rice- AYE; Allen- AYE; Bowers- AYE; Bryant- AYE; Rosales- AYE; Black- AYE; McDermott- AYE; Van Why- AYE. The motion carried 8-0.

**ITEM No. 8: 10 East Phase 2 subdivision - Modifications of Subdivision Regulations: Craig Colvin of Colvin Engineering, representing Speida Holdings LLC, requests two modifications from Sections 4.12(C) and 4.15(D) of the Yuma County Subdivision Regulations for the proposed 10 East Phase 2 subdivision, Assessor's Parcel Number 700-33-060, zoned Recreational Vehicle Subdivision (RVS), located in the vicinity of the northeast corner of Avenue 10 E and 34th Street, Yuma, AZ.**

Senior Planner Javier Barraza presented the staff report recommending approval of the modifications as recommended by the Engineering Department:

**Modification No. 1:** The Engineering Department recommends approval of this request for internal streets, but not along 34th Street. Minimum unobstructed sight distance shall be maintained at local collector streets by means of a chamfer dedication per the requirements which is 25 feet by x 25 feet in size.

**Modifications No. 2:** The Engineering Department recommends approval of this request since the development to the east (Blue Sky RV Park) did not dedicate or improve the alignment. It would not make sense to construct a half-width roadway.

**ITEM No. 9: 10 East Phase 2 subdivision - Tentative Map: Craig Colvin of Colvin Engineering, representing Speida Holdings LLC, requests the review and approval of the tentative map for the proposed 10 East**



**Phase 2 subdivision, Assessor's Parcel Number 700-33-060, zoned Recreational Vehicle Subdivision (RVS), located in the vicinity of the northeast corner of Avenue 10E and 34th Street, Yuma, AZ.**

Senior Planner Javier Barraza presented the staff report recommending approval of the tentative map for 10 East Phase 2 subdivision subject to the following condition:

1. All modifications requested by the developer shall be approved by the Board of Supervisors. If any of the requested modifications is denied, the tentative map shall be revised to meet the requirements of the Subdivision Regulations. The revised tentative map shall be submitted to the Planning Director within 30 days of Board of Supervisors' action.

Chairman Bryant opened the public hearing.

Craig Colvin, 6105 East Alyssa Lane, Yuma, Arizona, agent, explained the chamfer request had been approved in 10 East Phase 1 and other subdivisions in the RVS zoning district. He explained the conflict with having small lots with setbacks and 25' x 25' chamfers. He stated the City of Yuma require a 25' sight distance to be maintained and 15' chamfers.

Commissioner Bryant asked if the agent was held to 25' chamfers then he could not have 55 lots in the subdivision.

Mr. Colvin stated they could not fit 55 lots and could not have driveways for the corner lots.

Commissioner McDermott inquired about the square footage of the lots.

Mr. Colvin stated the lots are 6,500 square feet.

Commissioner Bryant inquired if there would be any issues with the chamfers being 15' and maintaining the 25' visibility.

Land Development Arturo Alvarez explained how it would be difficult to enforce the 25' visibility.

Commissioner Bryant inquired about how long the 25' chamfers have been required in the code.

Land Development Engineer Arturo Alvarez stated it has been in the code since it was adopted.

Commissioner McDermott inquired if there was anything in the code that prevents landscaping from interfering with line of sight.

Mr. Colvin stated there was not any requirements for landscaping. He explained the City requires the plat to show the setback, where the 25' sight distance, non-access easement that is 10' and not 15'. He state that could be something to consider.

Commissioner Rosales inquired if the perimeter wall of 3' was a requirement.

Mr. Colvin stated it was a requirement.

There being no one else to come forward, Chairman Bryant closed the public hearing.

Commissioner Black stated the chamfers are critical for safety. He stated he agreed with staff, the chamfers need to be as required.

Commissioner Mulhern stated he sees the agent's point of having the sight distance triangle shown on the plat. He stated it was something to consider in the future. He explained instead of having a 25' chamfer, knowing exactly where the line of sight is.

Commissioner Bryant inquired about how that could be addressed.

Land Development Engineer Arturo Alvarez stated the regulations are being revised and he would bring it to the County Engineer attention.

MOTION (VAN WHY/BOWERS): To approve 10 East Phase 2 subdivision - Modifications as recommended by staff.

VOICE VOTE: Rice- AYE; Allen- AYE; Bowers- AYE; Mulhern- AYE; Bryant- AYE; Rosales- AYE; Black- AYE; McDermott- AYE; Van Why- AYE. The motion carried 9-0.

MOTION (ROSALES/VAN WHY): To approve 10 East Phase 2 subdivision - Tentative Map as recommended by staff.

VOICE VOTE: Rice- AYE; Allen- AYE; Bowers- AYE; Mulhern- AYE; Bryant- AYE; Rosales- AYE; Black- AYE; McDermott- AYE; Van Why- AYE. The motion carried 9-0.

**ITEM No.10: Review and approval of the 2023 Planning and Zoning Commission Regular Meeting Schedule.**

Commissioners reviewed the schedule.

MOTION (VAN WHY/BLACK): To the 2023 Planning and Zoning Commission Regular meeting schedule as requested by staff.

VOICE VOTE: Rice- AYE; Allen- AYE; Bowers- AYE; Mulhern- AYE; Bryant- AYE; Rosales- AYE; Black- AYE; McDermott- AYE; Van Why- AYE. The motion carried 9-0.



**ITEM No. 11: Discussion by the Commission members and Planning Director of events attended, current events, and the schedule for future Planning Commission meetings.**

Commissioner Black recognized all of the hard work Commissioner Rosales had accomplished this past year in the South County and the city of San Luis.

There being no further business to come before the Commission, the Chairman adjourned the meeting at 6:09 p.m.

Approved and accepted on this 24<sup>th</sup> day of January 2023.

  
Chairman

ATTEST:

Maggie Castro, AICP, Planning Director

  
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